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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

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8 STATE OF WASHINGTON,

9 Plaintiff,

10 v.

11 AVTECH DIRECT, also doing business
12 as AVTECH COMPUTERS and
13 EDUCATIONAL PURCHASING
14 SERVICES; ARLENE SEDIQZAD, also
known as ARLENE GRANT and
ARLENE HUNZIKER, manager of
AVTECH DIRECT, individually and on
behalf of her marital community; and
GARY HUNZIKER, manager of
AVTECH DIRECT, individually and on
behalf of his marital community; MD&I
CORPORATION, a California for-profit
corporation; and MIN HUI ZHAO, also
known as MICHAEL ZHAO,
individually, and on behalf of his marital
community,

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19 Defendants.

20 NO. CV04-2171RSM

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26 ORDER GRANTING RELIEF ON
PLAINTIFF'S MOTION FOR
RELIEF AGAINST AVTECH
DIRECT, also doing business as
AVTECH COMPUTERS, a
California Corporation; and
EDUCATIONAL PURCHASING
SERVICES

This matter having come before the Court on Plaintiff's Motion to for an order of default and for relief against AVTECH DIRECT, also doing business as AVTECH COMPUTERS, a California Corporation; and EDUCATIONAL PURCHASING SERVICES, a California corporation; and MD&I CORPORATION, a California for-profit corporation, and

1 the Court having reviewed Plaintiff's Motion and accompanying documents, and Defendants'
 2 Response, if any, and Plaintiff's Reply and attachment thereto, if any, hereby,

3 ORDERS that Plaintiff's Request for Relief in its Motion for a Default Order against
 4 AVTECH DIRECT, also doing business as AVTECH COMPUTERS, a California
 5 Corporation; and EDUCATIONAL PURCHASING SERVICES, a California corporation is
 6 GRANTED as follows:

7 1. Defendants and all successors, assigns, transferees, officers, agents, servants,
 8 employees, representatives, and all other persons or entities in active concert or participation
 9 with defendant are hereby enjoined and permanently restrained in the State of Washington
 10 from directly or indirectly engaging in any of the following conduct:

11 1. Using false or misleading information in the subject line of a
 12 commercial electronic mail message.

13 2. Initiating the transmission of a commercial electronic mail message
 14 with false or misleading header information;

15 3. Misrepresenting the identity of the sender or the point of origin of a
 16 commercial electronic mail message.

17 4. Engaging in any conduct in violation of the Controlling the Assault of
 18 Non-Solicited Pornography and Marketing Act ("CAN-SPAM Act"), 15 U.S.C. § 7701,
 19 et seq.

20 5. Making any misrepresentations in the context of any advertising of
 21 products or services.

22 6. Creating a false sense of urgency, exclusivity, or a restriction on
 23 available products or services in the context of any advertising of services or products.

24 7. Failing to stop sending unsolicited electronic mail messages to any
 25 consumer who, by any means whatsoever, has requested to not receive future such
 26 messages from defendant.

1 8. Falsely implying directly or indirectly that a commercial electronic mail
2 solicitation is official, administrative in nature, or originates from the recipients' place
3 of business.

4 9. Engaging in any conduct which violates RCW 19.86, the Unfair
5 Business Practices – Consumer Protection Act.

6 10. Engaging in the practices described 2.12 through 2.21 of the Findings
7 of Fact herein.

8 11. Failing to monitor the methods advertisers use to market its products to
9 consumers over the Internet or through email.

10 12. Marketing or selling its products through advertisers who violate RCW
11 19.190, the Unsolicited Commercial Electronic Mail Act, or the Controlling the Assault of Non-
12 Solicited Pornography and Marketing Act (“CAN-SPAM Act”), 15 U.S.C. § 7701, et seq;

13 2. Defendants shall pay Plaintiff's costs and attorney's fees in the amount of
14 \$67,882.80. Interest on any unpaid balance of this amount shall accrue in the amount of 12%
15 per annum;

16 3. Defendants shall pay \$3 million in civil penalties; and

17 4. Defendants shall pay damages in the amount of \$375,000.00 to the Seattle
18 School District.

19 DATED this 5 day of December, 2005.

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21 RICARDO S. MARTINEZ
22 UNITED STATES DISTRICT JUDGE

1 Presented by:

2 ROB McKENNA
3 Attorney General

4 /s/ Katherine Tassi
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